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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/105,844	06/26/1998	USHA UPADHYAYULA	INTL-0055(P5	6060

7590 02/13/2003

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EXAMINER

ALAUBAIDI, HAYTHIM J

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/105,844

Applicant(s)

UPADHYAYULA ET AL.

Examiner

Haythim J. Alaubaidi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 and 37-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 and 37-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-29 and 37-42 are presented for examination.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 7, 14, 22, 37 and 40 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification, including the Applicant mentioned pages in the amendment filed on 09 December 2002 (Page 4, Line 27 through Page 5, Line 13; Page 6, Lines 10-20; and Page 9, Lines 20-29) do not provide support for the new matter "*relating to a condition of an image sensor during capture of the graphical object*" that was added.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Independent Claims 1, 7, 14, 22, 37 and 40, are rejected under 35 U.S.C. 102(b) as being anticipated by Gary K. Starkweather (U.S. Patent No. 5,694,227 and Starkweather hereinafter).

a. Regarding Claims 1, 7, 37 and 40, Starkweather teaches:

- receiving a graphical object together with associated image information (Col 2, Lines 18-19, i.e. *receives color samples of images to provide sampling data*; see also Col 4, Line 45, i.e. *receives the color image data*; see also Col 3, Lines 54-56, i.e. *samples article 18 to provide color image data*)<sup>1</sup> relating to a condition of an image sensor during capture of the graphical object (Col 7, Lines 64 through Col 8, Line 7, i.e. *This calibration data sampled from the color standard is stored as sensor characteristic data*; see also Col 7, Lines 50-57, i.e. *During sensor 20 calibration, a known color sample is used as article 18 for measurement by sensor 20. That sample article 18 is then used to make data adjustments to sensor 20. In this way, sensor 20 can itself be calibrated against a known standard*)

- generating the device profile (Col 4, Lines 59-66, i.e. *transforms the device independent color space 14 to a device profile 15*; see also Col 8, Line 19, i.e. *generate a device profile*)

- identifying the device profile to a color management system (Col 4, Lines 66-67 through Col 5, Line 1; see also Col 7, Lines 43-48).

b. Regarding Claim 14, the limitations of this claim have been noted in the rejected claim 1 and 7, above. In addition Starkweather teaches:

- a computer system having a bus (Col 7, Line 7)
- a device, operatively coupled to the bus (Col 7, Line 5, i.e. *processor 11*

*connected to sensor 20)*

- a generator to generate a device profile (Col 7, Lines 34-36).

c. Regarding Claim 22, Starkweather teaches:

- Image part and data part (Col 7, Lines 52-53, i.e. *article 18*; see also i.e.

*make data adjustments)*

- comparing and selectively generating (Col 8, Lines 20-26, i.e. *this*

*generation of a device profile may result in a newly generated device profile or may involve only the adjustment of an existing device profile as determined by the color transform engine 53 in step 80).*

Regarding Claims 38 and 41, Starkweather discloses extracting the associated information from the image information (Col 6, Lines 42-43, i.e. *can be placed in separate sensor packages*) dynamically generating the device profile (Col 4, Lines 59-66, i.e. *transforms the device independent color space 14 to a device profile 15*; see also Col 8, Line 19, i.e. *generate a device profile*).

Regarding Claims 39 and 42, Starkweather discloses automatically identifying the device profile to a color management system (Col 4, Lines 66-67 through Col 5, Line 1; see also Col 7, Lines 43-48).

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<sup>1</sup> The Examiner would also like to direct the Applicant's attention to Patent No. 6273535, Figure 1,

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gary K. Starkweather (U.S. Patent No. 5,694,227 and Starkweather hereinafter) and further in view of Carl Douglas Hayes, Jr. et al. (U.S. Patent No. 6,283,858 and Hayes hereinafter).

Regarding Claim 15, Starkweather reference discloses all of the claimed subject matter set forth above, except it does not explicitly indicate a device such as a digital camera, even though the reference does in fact talk about different devices (Col 1, Line 31). However Hayes teaches a device such as a digital camera (Col 3, Lines 62-67). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teaching of Starkweather with the teachings of Hayes to include a device such as a digital camera with the motivation to generate images with such details just as in real life (Hayes, Col 5, Lines 25-29).

Regarding Claim 21, Starkweather reference discloses all of the claimed subject matter set forth above, except it does not explicitly indicate a second circuit, operatively coupled to the device. However Hayes teaches a circuit, operatively coupled to the

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device (Col 3, Lines 66-67 through Col 4, Line 1). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teaching of Starkweather with the teachings of Hayes to include a circuit, operatively coupled to the device with the motivation to link and process the photographs or the physical images into data received by the computer (Hayes, Col 4, Lines 2-3).

8. Claims 1, 7 and 14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroyuki Sakuyama et al. (U.S. Patent No. 6,226,011 and Sakuyama hereinafter) and further in view of Gary K. Starkweather (U.S. Patent No. 5,694,227 and Starkweather hereinafter).

Regarding Independent Claims 1,7 and 14, Sakuyama reference discloses all of the claimed subject matter set forth above, except it does not explicitly indicate generating a device profile. However Starkweather teaches generating a device profile (Col 4, Lines 59-66, i.e. transforms the device independent color space 14 to a device profile 15; see also Col 8, Lines 19, generate a device profile). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Sakuyama with the teachings of Starkweather to include generating a device profile in order to set the measurements or the characteristics of the image to be used in presenting this image to an output device.

9. Claim 22, is rejected under 35 U.S.C. 103(a) as being unpatentable over Christopher J. Edge (U.S. Patent No. 6,088,038 and Edge hereinafter) and further in view of Gary K. Starkweather (U.S. Patent No. 5,694,227 and Starkweather hereinafter).

Regarding Claim 22, Edge reference discloses all of the claimed subject matter set forth above, except it does not explicitly indicate selectively generating a current device profile. However Starkweather teaches selectively generating a current device profile (Col 8, Lines 20-26, i.e. this generation of a device profile may result in a newly generated device profile or may involve only the adjustment of an existing device profile as determined by the color transform engine 53 in step 80). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Edge with the teachings of Starkweather to include selectively generating the device profile in order to select one of the device profiles depending on the output device, i.e. display 19 or printer 17 as different output devices require different device profiles (Starkweather, Col 7, Lines 34-38).

### ***Response to Amendment***

10. Applicant's arguments with respect to independent Claims 1, 7, 14 and 22, have been fully considered, but they are not persuasive.

Applicant argues that Starkweather does not teach the new added limitation of "*relating to a condition of an image sensor during capture of the graphical object*". The Examiner

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respectfully disagrees. Starkweather discloses the condition of the image sensor (please see the 102 rejection above, section 5.a).

***Other Prior Art Made of Record***

11. A. Anderson et al (US Patent No. 6,493,028) discloses method and system for extending the available image file formats in an image capture device;

B. Ozawa et al (US Patent No. 6,445,461) discloses image processing system, digital camera, and printing apparatus;

C. Inoue et al (US Patent No. 6,273,535) discloses image forming system and images forming apparatus;

D. Deppa et al (US Patent No. 6,151,134) discloses method for host based printing system and method;

E. Elabd (US Patent No. 5,818,525) discloses RGB image correction using compressed flat illuminated files and a simple one or two point correction algorithm; and

F. Hassan et al (US Patent No. 5,550,646) discloses image communication system and method.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

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***Points of Contact***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (703) 305-1950. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any response to this office action should be mailed to:


The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or telefax at our fax number (703) 746-7238 or (703) 746-7239 or (703) 746-7240.

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

***Haythim J. Alaubaidi***

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February 7, 2003

  
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